IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11749 of 2004

Between:

S. Varahalu Babu S/o.Nooka raju, Waddadi Primary Agricultural Coop. Society Ltd., Buchaiahpeta Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The Government of A.P., rep. by its Secretary, Cooperative Department, Secretariat, Hyderabad.
2 The Jt. Registrar/District Cooperatie Officer, Visakhapatnam, Visakhapatnam Dist.
3 Waddadi Primary Agricultural Coop.Society Ltd., rep. by its Person-in-charge, Buchaiahpeta mandal, Visakahapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, or order or direction more particularly one in the nature of writ of Mandamus declaring the impugned Proceedings issued by the 2nd respondent in Rc.No.1685/2004-C (Coop) dt. 19.6.2004 as illegal, arbitrary and contrary to the provisions of A.P.Cooperative Societies Act and Rules made there under and declare that the same is in violation of the principles of natural justice and violation of Articles 14 & 21 of the Constitution of India.

Counsel for the Petitioner:MR.V.AJAY KUMAR

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

O R D E R:

The petitioner who is working as Secretary of the 3rd respondent-Primary Agricultural Co-operative Society Limited, Visakhapatnam District, filed this writ petition questioning the proceedings in Rc.No.1685/2004C(Coop.) dated 19.06.2004 of the 2nd respondent-Joint Registrar/District Co-operative Officer, Visakhapatnam, keeping the Supervisor In-Charge of Waddadi P.A.C.S. District Cooperative Central Bank, Madugula Branch as In-charge Secretary of the 3rd respondent Society, by dislodging the petitioner from the post of Secretary as illegal.

The learned counsel for the petitioner submits that the 2nd respondent has no say either to suspend or initiate any disciplinary action against the petitioner, but he can only direct the Society in exercise of his powers under Section 59(1) of the Andhra Pradesh Co-operative Societies Act, directing the Society to place him under suspension and to initiate disciplinary proceedings and as the impugned proceedings are passed without any jurisdiction, the same is liable to be set aside. I find force in the said contention.

In view of the above, the impugned proceedings, dated 19.06.2004 are set aside. The writ petition is allowed, keeping it open for the 3rd respondent-Society to pass

appropriate orders, if it so chooses. No costs.

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V.ESWARAIAH.J

05.11.2004

tjs

ASSISTANT REGISTRAR

To

1 The Government of A.P., rep. by its Secretary, Cooperative Department, Secretariat, Hyderabad.
2 The Jt. Registrar/District Cooperatie Officer, Visakhapatnam, Visakhapatnam Dist.
3 Waddadi Primary Agricultural Coop.Society Ltd., rep. by its Person-in-charge, Buchaiahpeta Mandal, Visakahapatnam District.

4 2 C.Cs to the G.P. for Co-operation, High Court of A.P., Hyderabad (OUT)

5. 2 C.D.Copies.